

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Amanda Harouche	Team: Team # 1	CCRB Case #: 201311927	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/18/2013 4:20 PM	Location of Incident: West 51st Street and 6th Avenue	Precinct: 18	18 Mo. SOL 6/18/2015	EO SOL 6/18/2015	
Date/Time CV Reported Sat, 12/21/2013 8:51 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 12/21/2013 8:51 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Guerly Camille	20254	926633	CW T TF
2. SGT Vitaliy Zelikov	01346	936353	CW T TF

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Aaron Blum	06711	929742	TAXI UT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Vitaliy Zelikov	Force: Sgt Vitaliy Zelikov used physical force against § 87(2)(b)	[REDACTED]
B.POM Guerly Camille	Force: PO Guerly Camille used physical force against § 87(2)(b)	[REDACTED]

Case Summary

On December 21, 2013, § 87(2)(b) filed the following complaint with the Civilian Complaint Review Board on behalf of himself via the CCRB website (encl. 2a-d)

On December 18, 2013, at 4:20p.m., § 87(2)(b) was driving and wanted to make a left turn at the intersection of West 51st Street and 6th Avenue in Manhattan. He was instructed by PO Guerly Camille of the City Wide Traffic Task Force to continue driving straight, resulting in the following allegations:

- **Allegation A: Force – Sgt. Vitaliy Zelikov used physical force against § 87(2)(b)**
- **Allegation B: Force – PO Guerly Camille used physical force against § 87(2)(b)**

§ 87(2)(b), § 87(2)(g)

This case was ineligible for mediation.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)
- § 87(2)(b)

Statements to Medical Personnel

§ 87(2)(b) was treated at § 87(2)(b) Hospital on § 87(2)(b). § 87(2)(b) stated, “I was pushed down to the concrete and hit my head.” § 87(2)(b) stated he “blackened out for a few seconds” after his head hit the ground and was experiencing dizziness. He also stated that his “right hand hurts from the handcuffs.”

CCRB Statement

§ 87(2)(b) provided a written online complaint on December 21, 2013 (encl.2a-d) and filed a complaint with IAB on December 26, 2013 (encl.2e-f). He provided a phone statement on January 2, 2014 (encl.3c-d) and was interviewed at the CCRB on January 16, 2014 (encl.3e-g). His statements were consistent with the following exceptions noted below.

On December 18, 2013 around 4:10pm, § 87(2)(b) was driving in his 2004 red Ford Explorer, on 6th Avenue waiting to make a left hand turn onto West 51st street in Manhattan. In the process of making the left turn § 87(2)(b) was stopped by PO Guerly Camille, who was identified by the investigation and described as a 37-year-old dark skinned black male, dressed in uniform wearing a green vest, standing 5’10” to 6’0” tall, who told him to go straight. § 87(2)(b) rolled down his window to speak to PO Camille. § 87(2)(b) calmly asked the officer why he had to go straight and explained that he could not comply with his request. PO Camille told § 87(2)(b) “Go straight or I’ll write you a summons”. § 87(2)(b) asked PO Camille, “Why?” but he did not respond. PO Camille then told § 87(2)(b) he was under arrest. § 87(2)(b) grew frustrated and decided to call 911 for help because he felt confused by what was going on and the officer was not answering his questions.

§ 87(2)(b) explained his location to the 911 dispatcher and said that an officer was not allowing him to complete his left turn which was causing traffic to build up. He told the 911 dispatcher he was under pressure and asked for her to send help.

As soon as § 87(2)(b) hung up his cell phone and looked to his left he saw Sgt. Zelikov, who was identified by the investigation and described as 30 to 35 year-old white male, standing 5'11"-6'0" tall, with short blonde hair, and dressed in uniform. Sgt. Zelikov had his hand in a raised fist with his knuckles pointed towards § 87(2)(b) next to his face, while he was screaming, "Get out of the car!" § 87(2)(b) asked Sgt. Zelikov, "Why?" but he did not answer. Sgt. Zelikov told § 87(2)(b) to get out of the car again. Sgt. Zelikov said, "Get out of the car, you're under arrest." and § 87(2)(b) asked, "Why?" again. § 87(2)(b) constantly asked "Why?" but never cursed at either of the officers. § 87(2)(b) did not want to get out of the car because he was afraid he would get attacked by Sgt. Zelikov. § 87(2)(b) did not know why he was under arrest because Sgt. Zelikov never told him.

Sgt. Zelikov pulled § 87(2)(b)'s driver's door and tried to open it. The door was locked and Sgt. Zelikov became more frustrated and presented his fist at § 87(2)(b) again and screamed, "Get out of the car!" § 87(2)(b) asked, "Why?" again. Sgt. Zelikov reached into § 87(2)(b)'s car through the window, unlocked the driver's door with the automatic button, and pulled the door open.

PO Camille and Sgt. Zelikov assisted each other in trying to get § 87(2)(b) out of his car. § 87(2)(b) was hit in the face on his lip while the officers attempted to do this; § 87(2)(b) believes it was a hand that hit his lip but he was not sure if it was PO Camille's or Sgt. Zelikov's hand because everything was happening so fast. § 87(2)(b) was not moving his body at the time he was hit he was just sitting still in his seat. This hit caused § 87(2)(b) to bleed but he did not realize he was bleeding at the time. As soon as he was hit, § 87(2)(b) began screaming, "Police brutality! What are you doing? This is not right!" § 87(2)(b) was screaming loudly and he thought other people on the street could have heard him screaming from inside the car. Sgt. Zelikov pulled § 87(2)(b) by the shoulders of his jacket to remove him from the car but he was still buckled in his seatbelt so he did not move. § 87(2)(b) did not resist or move away from the officers. § 87(2)(b) thinks one of the officers unbuckled him but he was not sure. § 87(2)(b) only remembers that he was screaming and then he was out of the car. § 87(2)(b) estimated that it took less than one minute from the time Sgt. Zelikov opened the door to the time § 87(2)(b) was out of the car.

§ 87(2)(b) was then pushed against another car, which § 87(2)(b) believed to be a police car but was not sure because he did not see it. § 87(2)(b)'s stomach was touching the car and PO Camille and Sgt. Zelikov were standing behind him. The officers slid § 87(2)(b) slid back and forth along the car. The officers began to handcuff § 87(2)(b) and had his left hand handcuffed. § 87(2)(b) was not resisting and his right hand was behind his back but not handcuffed yet. § 87(2)(b) believed about 30-40 people were standing on the corner of West 51st Street and 6th Avenue, next to his car, watching what was happening. § 87(2)(b) looked at the pedestrians standing on the corner and screamed, "This is not right. I didn't do anything. Please someone record this!" As soon as § 87(2)(b) said the last sentence he was thrown to the ground by the officers. § 87(2)(b) did not remember how he was thrown to the ground. (In his online complaint § 87(2)(b) stated he was handcuffed in the back before he was thrown down, in his complaint with IAB he said he was handcuffed in the front before he was thrown to the ground, and in his statements to the CCRB he stated only one hand was handcuffed at the time he was thrown to the ground.)

§ 87(2)(b)'s head made contact with the ground first and then he was flat on his stomach. When asked if officers fell with him, § 87(2)(b) stated that he fell on the ground and hit his head and it was

like he blacked out. One of § 87(2)(b)'s contacts fell out of his eye when he fell to the ground which was enough for him to have blurred vision. When § 87(2)(b) fell to the ground no one was underneath him. § 87(2)(b) felt ruffling and people on top of him. He did not know how many officers were on top of him but he felt a lot of weight. § 87(2)(b) also stated that he felt two people on top of him. He then stated that it felt like more than one person because when he was thrown to the ground he was crushed but when he was turned over he just saw Sgt. Zelikov on top of him. Sgt. Zelikov turned § 87(2)(b) around so that his back was lying on the ground. When § 87(2)(b) was turned over he noticed more officers, approximately five officers in total, standing over him. PO3, 4, 5, 6, 7 were all males and a mix of white and black but § 87(2)(b) did not see all of them. Sgt. Zelikov was on top of § 87(2)(b) using his legs to hold § 87(2)(b)'s legs to the ground. Sgt. Zelikov handcuffed § 87(2)(b)'s hands in front of his body and then said, "Let's handcuff his ankles." No other officer at the scene handed Sgt. Zelikov handcuffs. Sgt. Zelikov then stood up and spoke to PO3 and PO4. While § 87(2)(b) was on the ground he was laying still. While § 87(2)(b) was on the ground he was not screaming and he did not remember saying anything to the officers because he was dizzy.

PO3 and PO4 lifted § 87(2)(b) off of the ground onto his feet; he had been on the ground for less than three minutes. § 87(2)(b)'s handcuffs were removed from the front and PO3 handcuffed § 87(2)(b)'s arms behind his body.

§ 87(2)(b) was placed in a police car that was already at the scene by PO3 and PO4, who were described as black males. He was transported to a stationhouse but § 87(2)(b) did not know who the officers who transported him were. When asked where PO Camille and Sgt. Zelikov went after the incident he stated that he did not see them because he was not paying attention and knew that he needed medical help. In his phone statement, § 87(2)(b) stated PO Camille and Sgt. Zelikov were brought to the emergency room.

§ 87(2)(b) requested to go to the hospital because his head was hurting and he was feeling lightheaded; he was taken to the hospital. § 87(2)(b) was diagnosed with a head injury and hypertension.

Attempts to Contact Civilians

PO Camille and Sgt. Zelikov stated that a civilian became involved in the incident to help the officers restrain § 87(2)(b). The LOD paperwork and PO Camille's Memo Book had the name of this civilian as § 87(2)(b). § 87(2)(b) had an address in North Carolina and a phone number with a New York City area code. On March 31, 2014 a call was placed to the number on the police paperwork; a male named Jose answered and said that it was his number and that he knew § 87(2)(b) because he used to work for him but does not anymore. He stated that he would pass along a message if he or any of his workers ever saw § 87(2)(b) again. On the same day a first please call letter was sent to the address § 87(2)(b) provided to the officers. On April 7, 2014, a Lexis Nexis search for § 87(2)(b) yielded an additional address in North Carolina and two additional phone numbers. Two calls were placed to each number on the Lexis Nexis between April 7, 2014 and April 22, 2014 and the phone numbers were out of service each time. On April 7, 2014, a first please call letter was sent to the additional address found from Lexis Nexis. On April 17, 2014, final please call letters were sent to both addresses. All letters except for one have been returned to the CCRB as undeliverable by the USPS. To date, § 87(2)(b) has not contacted the CCRB.

NYPD Statements:

Subject Officer: PO GUERLY CAMILLE

- *PO Guerly Camille is a § 87(2)(b).*
- *On December 18, 2013, PO Guerly worked from 3:15pm until 12:45am the next day. He was working by himself and assigned to a traffic foot post on West 51st Street and 6th Avenue as part of the Holiday Plan.*

Memo Book:

On December 18, 2013, at 4:00pm, a motorist refused to go straight. The motorist was asked numerous times to go straight and not turn on West 51st Street. The motorist blocked the westbound traffic for about two to three light cycles. The motorist called 911 and reported that an officer would not let him turn and that the officer should not be a police officer. At 4:10pm, Sgt. Vitaliy Zelikov arrived at 51st Street and 6th Avenue to assist with an arrest situation because the motorist was obstructing westbound West 51st Street. At 4:15pm, additional units were requested for the perpetrator violently resisting arrest. At 4:20 pm, one person was arrested by PO Blum and transported to MTN. At 4:30pm, EMS responded to MTN for left hand, knee and back injuries. At 5:24, PO Camille arrived at Bellevue Hospital and he was released at 11:00pm.

On the fly page, PO Camille wrote the information of a civilian witness who helped handcuff the defendant: § 87(2)(b) § 87(2)(b). He also wrote: Assault 2, OGA, Discon, Rob-, resisting arrest (encl. 4a-d).

LOD Paperwork Statements:

On his LOD paperwork, PO Camille stated, “T/P/O I was trying to handcuff a violently resisting suspect when he pushed us into his vehicle and then we all fell to the pavement. I injured my left hand, left arm, left knee, and back” (encl. 4h).

In addition, PO Camille provided a witness statement for Sgt. Zelikov’s LOD paperwork. He stated, “While the sergeant and I were attempting to handcuff a resisting suspect, we all wound up falling to the pavement after banging off suspect’s vehicle. The sergeant injured his left knee and left middle finger” (encl. 4k).

Arrest Report and Criminal Court Complaint:

PO Camille prepared the arrest report and criminal court complaint for § 87(2)(b)’s arrest. The narrative on § 87(2)(b)’s arrest report for this incident states “At TPO perp did obstruct public roadway. Perp refused to move his vehicle at officer direction. Perp did physically resist lawful arrest while flailing his arms and fighting with the officers. While resisting arrest perp did cause physical injury to officers. Perp did cause physical injury to arresting officer and did fall on officer’s gun belt causing damage to it.” The arrest report lists the charges against § 87(2)(b) as assault with intent to cause physical injury to officers, resisting arrest, obstructing governmental administration in the second degree, criminal mischief: intent to damage property, disorderly conduct: fighting/violent behavior and disorderly conduct: obstructing traffic (encl. 4e-f).

In the criminal court complaint, PO Camille stated that he directed § 87(2)(b) and others traveling northbound on Avenue of the Americas to continue straight and refrain from making a left turn onto West 51st Street. § 87(2)(b) placed his car into park and refused to move his vehicle for approximately five minutes. When PO Camille asked § 87(2)(b) move or exit his motor vehicle, § 87(2)(b).

§ 87(2)(b) refused to comply. When PO Camille attempted to place § 87(2)(b) under arrest, § 87(2)(b) flailed his hands and refused to put them behind his back. § 87(2)(b) then pushed PO Camille and Sgt. Zelikov and as a result PO Camille and Sgt. Zelikov fell to the ground. § 87(2)(b) then took the flashlight out of Sgt. Zelikov's gun belt and threw it to the ground, causing it to break (encl. 41-m). At court, § 87(2)(b) was charged with criminal mischief in the fourth degree, obstructing governmental administration in the second degree, resisting arrest, disorderly conduct, and harassment in the second degree.

CCRB Statement:

PO Camille was interviewed at the CCRB on March 4, 2014 (encl. 4n-p).

On December 18, 2013, PO Camille was assigned to a traffic post on northbound 6th Avenue and westbound West 51st Street. He was assigned to prevent spillback on 6th Avenue. PO Camille put a no turn restriction onto West 51st Street because West 51st Street was backed up with cars. PO Camille was instructing every vehicle driving on 6th Avenue to go straight; and every other vehicle complied with his instructions.

At 4:00, § 87(2)(b) arrived at the intersection wanting to turn left onto West 51st Street; at this point he was in the middle of West 51st Street. PO Camille instructed § 87(2)(b) to go straight. § 87(2)(b) asked PO Camille why he could not make a left turn. PO Camille explained that he could not turn because the street was backed up. § 87(2)(b) continued to ask why he could not make a left turn and PO Camille told him about three to four times, "Sir, you have to go straight." PO Camille told § 87(2)(b) that he would have to write him a summons for obstructing traffic if he blocked the traffic once the light changed. § 87(2)(b) asked, "Why?" and PO Camille explained that it was because he would be obstructing westbound traffic on 51st Street. § 87(2)(b) responded that he was not moving because he had to turn. § 87(2)(b) was frustrated when he was interacting with PO Camille; he was not yelling at PO Camille but he was speaking to him in a frustrated tone of voice. PO Camille told § 87(2)(b) again that he had to go straight and that he could not turn. PO Camille then asked § 87(2)(b) for his driver's license and registration about three to four times. Then PO Camille also asked § 87(2)(b) to step out of his vehicle because the situation had turned into an arrest situation since § 87(2)(b) was obstructing traffic and refused to give his license to PO Camille. § 87(2)(b) refused all of PO Camille's requests and told PO Camille that he was going to call 911. § 87(2)(b) called 911 and told the dispatcher, "This officer is standing here. He won't let me turn he is telling me to go straight. This guy should not be a police officer."

When § 87(2)(b) hung up the phone with 911, PO Camille saw Sgt. Zelikov crossing the street to come and sign his memo book. Sgt. Zelikov was not coming to the scene to offer backup to PO Camille; he was not aware of the situation until he arrived and PO Camille explained the situation to him. Sgt. Zelikov asked PO Camille what was going on. PO Camille explained that § 87(2)(b) refused to go straight when asked to do so, refused to provide his license and registration when asked to do so, and refused to step out of the vehicle when asked to do so.

Sgt. Zelikov then approached the vehicle and asked § 87(2)(b) to go straight but he refused. Sgt. Zelikov told PO Camille that they were going to have to take § 87(2)(b) out of the vehicle. Sgt. Zelikov unlocked the driver's door of the vehicle through the opened driver's window and PO Camille pulled the door open. § 87(2)(b) put his vehicle into park and immediately resisted coming out of the vehicle by leaning his body and arms away from the officers towards the passenger's side door of the vehicle. In order to pull § 87(2)(b) out of his vehicle, Sgt. Zelikov and PO Camille grabbed his arms and pulled § 87(2)(b) towards them. § 87(2)(b) was not hit in the face by the officers

when he was in the vehicle. Sgt. Zelikov called for backup when they started reaching into the vehicle to pull § 87(2)(b) out of the vehicle. It took about two minutes to pull § 87(2)(b) out of the vehicle.

When § 87(2)(b) was pulled out of the vehicle onto the street by the officers he was still resisting. PO Camille asked § 87(2)(b) to put his hands behind his back so that he could put handcuffs on him; § 87(2)(b) refused to do so and continued violently moving and resisting. § 87(2)(b) crossed his hands in front of his torso, held them close to his body and twisted his body from side to side. PO Camille sprained his back when he was moving with § 87(2)(b) to try to obtain his hands. While trying to handcuff § 87(2)(b) the officers and § 87(2)(b) went down to the ground; PO Camille fell down and Sgt. Zelikov went down to the ground (PO Camille was not sure if Sgt. Zelikov fell down or purposely went down to the ground). PO Camille could not estimate the amount of time § 87(2)(b) was outside the vehicle before he was brought to the ground but said that it happened very quickly. § 87(2)(b) fell on PO Camille's hand which caused him to sprain his left hand. When PO Camille fell to the ground he also sprained his knee. § 87(2)(b) was unable to be handcuffed before he went down to the ground because he was moving his body and arms away from PO Camille.

§ 87(2)(b) then lay on his stomach with his hands underneath his body. While on the ground, § 87(2)(b) was also rolling around. A bag messenger, § 87(2)(b) insisted on becoming involved in the situation because he saw that § 87(2)(b) was resisting and that the officers needed help. When they were on the ground, § 87(2)(b) told § 87(2)(b) "Sir, just give your hands." He did not get involved physically. The entire time during the interaction, Sgt. Zelikov was telling § 87(2)(b) "Sir, Stop resisting" and PO Camille was saying, "Give me your hands so I can cuff you." § 87(2)(b) continued resisting and he did not give PO Camille his hands. The officers turned § 87(2)(b) around so that his back was on the ground and the officers could have access to his hands in order to handcuff him.

While he was lying on his back, § 87(2)(b) was still moving his hands. PO Camille handcuffed one of § 87(2)(b)'s hands first and then grabbed his second hand in order to handcuff it. PO Camille handcuffed § 87(2)(b)'s hands in the front of his body. PO Camille noticed that § 87(2)(b) was bleeding from his lip and that he was bleeding from a scrape on his forehead; PO Camille assumed § 87(2)(b) got these scrapes from the ground when he was lying on his stomach and moving around. At some point while PO Camille, Sgt. Zelikov and § 87(2)(b) were on the ground, backup officers began to arrive. The backup officers that arrived did not assist Sgt. Zelikov and PO Camille in handcuffing § 87(2)(b). PO Camille did not remember who the backup officers that responded were except for PO Blum, who arrived later.

§ 87(2)(b) was then picked up from the ground; the handcuffs were repositioned when § 87(2)(b) was standing so that his hands were in back of his body. PO Blum then arrived on the scene. § 87(2)(b) was brought to the Midtown North stationhouse by PO Blum in PO Blum's police vehicle. PO Camille also went to the Midtown North stationhouse because he was supposed to be the arresting officer, but he went in another police vehicle. At the stationhouse, PO Camille's hand started hurting him and EMS was called to take him to the hospital. The arrest was re-assigned to PO Blum. PO Camille was diagnosed with a sprained left knee, a sprained thumb and a sprained back. PO Camille still goes to physical therapy for his sprained thumb.

Subject Officer: SGT VITALIY ZELIKOV

- Sgt. Vitaliy Zelikov is a § 87(2)(b).

- On December 18, 2013, Sgt. Zelikov worked from 1:40pm to 12:00am the next day. He was assigned to a marked RMP #2203 and worked as Holiday Plan supervisor.
- Since the time of the incident, Sgt. Zelikov has been promoted to lieutenant.

Memo Book:

On December 18, 2013, at 4:08pm, Sgt. Zelikov arrived at 51st Street and 6th Avenue with PO Camille because PO Camille has a possible arrest situation with a motorist obstructing the roadway (westbound 51st Street). At 4:15pm, additional units were requested for a perpetrator violently resisting arrest. At 4:20, one person was arrested by PO Blum and brought to Manhattan North. At 4:30pm, EMS was requested for PO Camille who suffered from a left hand injury and for self who suffered from an injury to his left knee and left hand. At 6:08pm, Sgt. Zelikov arrived at Bellevue Hospital and at 11:10pm he was discharged from the hospital (encl. 5a-c).

LOD Paperwork Statements:

On his LOD paperwork, Sgt. Zelikov stated, “While attempting to restrain a violently resisting perpetrator I did strike left knee and left middle finger on pavement causing pain and swelling” (encl.5e)

In addition, Sgt. Zelikov provided a witness statement for PO Camille’s LOD paperwork. He stated, “While restraining a perpetrator who was violently resisting arrest, PO Camille did injure his left fingers, hand, wrist, and arm” (encl. 5g).

CCRB Statement:

Sgt. Zelikov was interviewed at the CCRB on March 4, 2014 (encl. 5h-j). His statement was consistent with PO Camille’s with the following exceptions noted below.

After Sgt. Zelikov arrived, he instructed PO Camille to instruct § 87(2)(b) to move his car and if § 87(2)(b) refused, PO Camille should arrest him for disorderly conduct-obstructing a lane of traffic and obstructing governmental administration.

After PO Camille spoke to § 87(2)(b) for about a minute, Sgt. Zelikov opened the car door to remove § 87(2)(b) from his vehicle; his intention was to arrest § 87(2)(b). Sgt. Zelikov told § 87(2)(b) he was under arrest and told him to get out of the vehicle after he opened the door. § 87(2)(b) ignored Sgt. Zelikov. Sgt. Zelikov reached into the car to physically remove § 87(2)(b) but § 87(2)(b) put his vehicle in drive. For his safety and so that the vehicle did not move with him partially in it, Sgt. Zelikov reached in, and put the vehicle in park. § 87(2)(b) leaned away from Sgt. Zelikov and PO Camille began to fight with them by waving his arms and swinging his fists at them. Sgt. Zelikov told § 87(2)(b) to stop resisting. Sgt. Zelikov had to use force to pull § 87(2)(b) from the car by his arm because § 87(2)(b) was resisting being removed from the vehicle; § 87(2)(b) continuously moved away from Sgt. Zelikov when Sgt. Zelikov pulled him towards him. When Sgt. Zelikov was pulling § 87(2)(b) from the car, his hands did not make contact with § 87(2)(b)’s face or lip. Sgt. Zelikov did not notice if § 87(2)(b) was ever bleeding from his lip. It took less than a minute, possibly around 30 seconds, for § 87(2)(b) to be removed from the car by Sgt. Zelikov and PO Camille.

Once § 87(2)(b) was removed from his car, he got very violent and the struggle became very intense; § 87(2)(b) began fighting with Sgt. Zelikov and PO Camille by swinging his arms at them. § 87(2)(b) also began screaming to over a dozen nearby bystanders saying that he was being arrested unlawfully and asking them to record the incident. As soon as § 87(2)(b) started fighting with the

officers, they all ended up on the ground rolling around. The officers took § 87(2)(b) to the ground in order to prevent him from falling while he was struggling with the officers; Sgt. Zelikov did not remember where they held § 87(2)(b) on his body in order to bring him to the ground. When § 87(2)(b) was brought to the ground he did not hit his head. Two male civilians came over to help the officers. Sgt. Zelikov instructed the males to stay back but they insisted on helping and became involved in the struggle. (PO Camille took the information of one of the civilians but the other civilian did not want to be involved and did not want to provide his information). At one point, while on the ground, § 87(2)(b) ripped Sgt. Zelikov's flashlight, out of its holder, from his leather gun belt causing damage to it.

PO Camille had his handcuffs in his hand to try to handcuff § 87(2)(b) but § 87(2)(b) grabbed at PO Camille's handcuffs and tried to pull them away from him. The two male civilians helped Sgt. Zelikov and PO Camille restrain § 87(2)(b) so that they could handcuff him. Sgt. Zelikov and PO Camille could not handcuff § 87(2)(b) properly because he was fighting with them so much and rolling around on the floor. Sgt. Zelikov, PO Camille, and the two civilians were the only people involved in restraining § 87(2)(b).

Sgt. Zelikov was taken to the hospital from the scene. Sgt. Zelikov received X-Rays at the hospital and was diagnosed with a bruise to his left knee and a sprain to his left finger.

Medical Records

The basic assessment of § 87(2)(b) reports that § 87(2)(b) had a 4cm abrasion to the left side of his forehead, abrasion to his left upper lip, multiple abrasions to both of his hands. He complained of dizziness and that his right wrist hurt from handcuffs. § 87(2)(b) was diagnosed with a minor head injury, contusion, and elevated blood pressure/hypertension.

§ 87(2)(b)

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming false arrest, false imprisonment, intentional infliction of emotional distress, assault, battery, violation of civil rights, negligence, and negligent training, retention and supervision and seeking \$1,000,000 compensatory damages and \$1,000,000 punitive damages as redress (encl. 3i-j).

§ 87(2)(b)

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b)

Subject Officers CCRB History

- Sgt. Zelikov has been a member of the service for 9 years and there is one substantiated CCRB allegation against him (encl. 1a-b).
 - In case number 201103208, an allegation of supervising the search and entry of a premise was substantiated. The Board recommended charges but the NYPD declined to prosecute the case.
- PO Camille has been a member of the service for 13 years and there are no substantiated CCRB allegations against him. (encl. 1c).

Conclusion

Identification of Subject Officers

PO Camille and Sgt. Zelikov acknowledged interacting with § 87(2)(b)

Investigative Findings and Recommendations

Allegation A: Force – Sgt. Vitaliy Zelikov used physical force against § 87(2)(b)

Allegation B: Force – PO Guerly Camille used physical force against § 87(2)(b)

§ 87(2)(b) stated that he did not comply with the officers' instructions to exit his car after they told him that he was under arrest. Sgt. Zelikov unlocked § 87(2)(b)'s car door and he and PO Camille reached in to get § 87(2)(b) out of the car. He stated that he was hit in the lip when the officers were pulling him out of the car but he did not know which officer hit him because everything was happening so quickly. § 87(2)(b) stated he was pulled out of his car by Sgt. Zelikov by the shoulders of his jacket. § 87(2)(b) stated that he was pushed against a car and the officers began to handcuff him. § 87(2)(b)'s left hand was in handcuffs when he screamed to bystanders and was thrown to the ground by the officers as soon as he asked someone to record what was happening. § 87(2)(b) fell on his head when he hit the ground and blacked out. § 87(2)(b) was originally lying on his stomach when Sgt. Zelikov turned § 87(2)(b) around and handcuffed him in the front of his body. § 87(2)(b) was then lifted off the ground, re-handcuffed so that his hands were in the back of his body and placed into a police vehicle.

PO Camille and Sgt. Zelikov both stated that § 87(2)(b) was not compliant in following any of his instructions, including exiting his vehicle. When the officers opened § 87(2)(b)'s driver's door, § 87(2)(b) immediately leaned his body and arms away from the officers towards the passenger's side of the vehicle. Sgt. Zelikov stated that § 87(2)(b) also waved his arms and swung his fists at the officers. PO Camille and Sgt. Zelikov grabbed § 87(2)(b)'s arms and pulled him out of the car. Neither officer hit § 87(2)(b) in the face when he was in the vehicle. When § 87(2)(b) was out of his vehicle, § 87(2)(b) continued to resist being handcuffed; PO Camille stated that § 87(2)(b) crossed his arms in front of his body and twisted his body from side to side and Sgt. Zelikov stated that § 87(2)(b) swung his arms and screamed to bystanders that he was being unlawfully arrested. § 87(2)(b) and the officers then ended up on the ground; PO Camille stated that he fell down to the ground with § 87(2)(b) and Sgt. Zelikov stated that § 87(2)(b) was taken to the ground in order to prevent him from falling onto the ground. § 87(2)(b) fell on PO Camille's hand which caused him to sprain his left hand and left knee. While on the ground, § 87(2)(b) continued to resist being handcuffed by keeping his hands underneath his body. Civilian bystanders aided the officers in putting the handcuffs on § 87(2)(b). PO Guerly stated the civilians verbally aided the officers and Sgt. Zelikov stated the civilian got physically involved. § 87(2)(b) was eventually turned onto his back and handcuffed with his hands in front of his body. § 87(2)(b) was then picked up off of the floor by backup officers that arrived on the scene.

